

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

RUTH EBNER-CUPPLES,

Plaintiff,

v.

UNITED STATES DEPARTMENT
OF LABOR,

Defendant.

)
)
)
)
)
)
)
)
)
)
)

No. 4:07-CV-1622 CAS

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's motion to proceed in forma pauperis.¹ The Court has reviewed the financial information provided in plaintiff's financial affidavit and finds that the motion should be granted.

Under 28 U.S.C. § 1915(e), the Court is required to review plaintiff's complaint prior to service and to dismiss it if it is frivolous, malicious, or if it fails to state a claim upon which relief can be granted. After reviewing the complaint, the Court finds that it should be summarily dismissed for lack of jurisdiction.

Plaintiff has filed this action against the United States Department of Labor for denial of workers' compensation benefits. Under 5 U.S.C. § 8128(b), the decision of the Secretary of Labor to grant or deny compensation for work-related injuries is final and is not subject to review by this Court. As a result, this Court lacks subject matter jurisdiction over the complaint. Brumley v. U.S. Dept. of Labor, 28 F.3d 746, 747 (8th Cir. 1994).

¹Attached to plaintiff's complaint is a memorandum in which she requests that her case be filed in forma pauperis. Because plaintiff is proceeding pro se, the Court will construe docket entry no. 1-4, titled "Memorandum for Clerk," as a motion to proceed in forma pauperis.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's complaint is **DISMISSED** for lack of jurisdiction.

IT IS FURTHER ORDERED that plaintiff's motion to appoint counsel and motion to place medical records under seal are denied as moot. [Docs. 3 and 4]

An Order of Dismissal shall accompany this Memorandum and Order.

A handwritten signature in cursive script, reading "Charles A. Shaw", written in black ink.

CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 18th day of October, 2007.